

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
12.11.501 and the adoption of New Rule) PROPOSED AMENDMENT AND
I pertaining to recreational use on Silver) ADOPTION
Lake in Deer Lodge County)

TO: All Concerned Persons

1. On February 26, 2015, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Hearst Free Library, 401 Main Street, Anaconda, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on February 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) through (96) remain the same.

(97) Silver Lake [NEW RULE I]

(97) through (114) remain the same but are renumbered (98) through (115).

AUTH: 23-1-106, 87-1-301, 87-1-303, MCA

IMP: 23-1-106, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

NEW RULE I SILVER LAKE (1) Silver Lake is located in Deer Lodge County.

(2) Silver Lake is limited to a controlled no wake speed as defined in ARM 12.11.101.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

REASON: Butte-Silver Bow County submitted a petition requesting the commission

adopt a rule restricting all watercraft on Silver Lake to a no wake speed. Silver Lake is a storage reservoir owned and operated by Butte-Silver Bow County and is located in Deer Lodge County. Water stored in Silver Lake is released into Warm Springs Creek for in-stream flow and industrial purposes and the water level can change quickly. A number of intake and outlet structures for the reservoir are located on the east end of the lake which is shallow and intensifies the effect of rapid water level changes. The presence of inlet and outlet structures, the shallow east end of the reservoir, and the potential for rapidly changing water levels throughout the reservoir pose a safety hazard for watercraft traveling at a high speed.

5. Concerned persons may present their data, views, or arguments either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sharon Rose, Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov, and must be received no later than March 6, 2015.

6. Joe Jaquith or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ William Schenk
William Schenk
Rule Reviewer

Certified to the Secretary of State January 20, 2015.